

## **REMARKS/ARGUMENTS**

Reconsideration of the present application, as amended, is respectfully requested.

### **Claim Status**

Claims 1-11 and 50-53 are pending. Claims 1-11 have been amended and claim 12 and claim 13 have been canceled. Claim 12 has been canceled and added to claim 1 and claims 50-53 have been added. Claim 50 further defines the process of claim 1. Claim 51 was added to emphasize that the layer of glue is preferably applied during the manufacture of the membrane. Claims 52 and 53 were added to place the disclosure of claim 1 in more conventional U.S. format.

### **Claim Objections**

Claim 2-3 had been objected to by the Examiner. The Examiner stated claim 2 should read "process according to claim 1" and claim 3 should read "process according to claim 1 or claim 2."

Claims 2 and 3 have been amended accordingly.

Claims 4-12 had been objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on another multiple dependent claim.

Claims 4-7 and 9-11 have been amended to depend upon claim 1. Claims 4-7 and 9-11 are now in proper dependent form.

### **Claim Rejections – 35 U.S.C. § 102**

Claims 1-3 had been rejected under 35 U.S.C. § 102(b) as being anticipated by Morlacchi, *et al.* (International Application WO 02/11571).

Claim 1 of the present invention and Morlacchi (WO 02/11571) are distinguishable. Claim 1 has been amended to incorporate the process steps of claim 12. Morlacchi does not disclose all of the process steps of the present invention.

Morlacchi discloses only a waterproofing process in which two sheets of a semi-permeable membrane are pressed and glued to the semi-manufactured product in a sandwich-like manner. During the pressing stage, the extending portions of the sheets adhere to each other so as to form at least one sealing strip. The process disclosed by Morlacchi makes it difficult to arrange the sheets of a semi-permeable membrane in the correct position with respect to the

semi-manufactured product, especially if the semi-manufactured product is arranged vertically on the shaped support between deformable plates so that the process. Thus, the process disclosed by Morlacchi is not adaptable to use with an automatic waterproofing machine.

Moreover, unlike the present invention, the adaptation of the process disclosed by Morlacchi would be essentially impossible if the sheets were cut in their final size before they were pressed into the semi-manufactured product, especially if the semi-manufactured product, during the pressing, already has a three-dimensional conformation because of its arrangement on a shaped support.

Additionally, unlike the present invention Morlacchi discloses a folded semi-manufactured product, not a folded membrane. (see, Morlacchi p. 2, lines 7-9).

Furthermore, Morlacchi teaches to obtain a sheath (in the meaning of an enveloping structure) only during the pressing. This reference leads one skilled in the art away from any technical solution in which the sheath is obtained before the pressing. Unlike Morlacchi, the waterproofing sheath of the present invention is created before it is arranged on the shaped support with the semimanufactured product. Thus, Morlacchi cannot be combined with other references disclosing preformed waterproofing sheaths.

Therefore, claim 1 is distinguishable from and patentable over Morlacchi since Morlacchi does not disclose any of the process steps disclosed in claim 1 of the present invention.

No new matter has been added and it is urged that the claims are now in proper form in all respects. Reconsideration and removal of the rejections is therefore proper and earnestly solicited.

#### Fees

This response is being filed within the shortened period for response. Thus, no fees are believed to be required. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

Conclusion

In view of the actions taken and arguments presented, it is respectfully submitted that each of the matters raised by the Examiner has been addressed by the present amendment and that the present application is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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